

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT STARK,

Plaintiff,

-against-

MASERATI NORTH AMERICA, INC., AND
FERRARI-MASERATI OF LONG ISLAND,

Defendants.

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APPEARANCES:

For Plaintiff: David A. Shapiro, Esq.
Gildin, Zelenitz & Shapiro, P.C.
138-44 Queens Blvd.
Briarwood, NY 11435

For Defendants: James S. Dobis, Esq.
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SEYBERT, District Judge:

Magistrate Judge E. Thomas Boyle issued a Report and Recommendation ("R&R") on October 13, 2010, in which he recommended that the Court grant Defendants' unopposed motion to dismiss for lack of subject matter jurisdiction because Plaintiff is not a "consumer" within the meaning of the Magnuson-Moss Warranty Act. 15 U.S.C. § 2301 et seq. As part of the R&R, Judge Boyle warned that any objections were to be filed with the Clerk of the Court within fourteen (14) days of service. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court ADOPTS

the R&R in its entirety. Accordingly, Plaintiff's Complaint is DISMISSED with prejudice and the Clerk of the Court is directed to mark this matter CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: November 23, 2010
Central Islip, New York